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Current Topics.

A Great Canadian Judge.

IT IS to be feared that in this country we know too little regarding those who in the great dominions overseas are administering, and with equal ability, the same law as our judges at home. Among those, however, who are not without honour in their own country and who likewise are esteemed here in England is Mr. Justice DUFF, of the Supreme Court of Canada. Quite recently that distinguished judge celebrated what may be called his twenty-fifth judicial birthday, and the occasion was happily signalised by many congratulations being offered to him by various members of the Canadian Bar. In the course of his interesting reply, Mr. Justice DUFF, after referring to the happy relations which have always existed between him and the Bar, said that he doubted whether it was as widely understood as it should be the extent to which the efficiency of judicature depended upon an honourable, fearless and competent Bar. Again, too, he emphasised the importance of the practice which prevailed in all English-speaking countries of recruiting the Bench from the ranks of practising advocates—a practice which in his view could not be over-estimated, seeing that it secured the appointment of men trained in loyalty to a great professional tradition, and in a sense of responsibility thereto. Mr. Justice DUFF'S distinction as a great judge has been recognised very markedly by the frequency with which he has come over to this country to assist in the disposal of appeals from Canada. This linking up of the Dominion judges with the Judicial Committee of the Privy Council is one of the most valuable developments of recent years, inspiring as it does increased confidence throughout the Dominions in the decisions of the Committee, and, on the personal side, bringing the representatives of the English Bench into pleasant relationship with their *confrères* of the Dominions.

Mr. Justice Hughes and the World Court.

ONE OF the most interesting features of the current issue of the *American Bar Association Journal* is the tribute paid by distinguished American lawyers to Mr. Justice HUGHES on the eve of his sailing for Europe to take up his duties as a member of the Permanent Court of International Justice, a post for which his training as a former judge of the United States Supreme Court, and as a former Secretary of State, pre-eminently fits him. No one present in Westminster Hall some years ago, when the English and Canadian Bars welcomed their brethren from the United States, will ever forget the impression made by Mr. HUGHES by his magnificent oration and the tribute he paid to the civilising influence of English law throughout the world. For his new work no worthier representative of his country could have been chosen; so said Mr. JOHN W. DAVIES, the former Ambassador to Great Britain; while Mr. GEORGE W. WICKERSHAM, a former Attorney-General of the United States, declares this appointment to be but the beginning of a new and enlarged opportunity for distinguished service. In the *Journal*, there is an excellent portrait of Mr. HUGHES as well as the reproduction of a photograph, taken, it is true some time ago, of the judges of the Hague Court, included in the group being the late Lord FINLAY and the late M. ANDRE WEISS, who represented France. As we ventured to urge in a recent issue, it is to be hoped that the successor of Lord FINLAY will have judicial qualifications equal to his, and we would now add, equal to those of the great lawyer whom the United States has chosen as her representative.

Foreign Bills and Stamp Duty.

SECTION 38 (1) of the Stamp Act, 1891, provides that: "Every person who issues, indorses, transfers, negotiates, presents for payment, or pays any bill of exchange or promissory note liable to duty and not being duly stamped shall incur . . . (a penalty) . . . and the person who . . . receives . . . such bill or note . . . shall not be entitled to recover thereon . . ." An interesting point in this connexion was raised in the recent case of *Republic of France (Ministry of Finance)* v. *Perry & Co. (Bow) Ltd.* (73 SOL. J., 268), in which a French firm, having purchased a quantity of sugar from a German firm, arranged for payment to be made under the Dawes Scheme for Reparations. The working of this scheme necessitated that the actual payment by the French firm should be to the French Treasury, and in those circumstances, the Treasury required a third party to guarantee the payment of the money. In the present case the defendants, an English company, who, through their agent, had signed as security, two promissory notes to the value of Francs 15,941,081, and Francs 3,985,270, were called upon to fulfil their guarantee, and, having failed to do so, the present action was brought to recover the above sums from them. They pleaded, *inter alia*, that the promissory notes sued upon had never been stamped in England, that the plaintiffs could not recover on them by reason of the provisions of s. 38 of the Act of 1891 (*supra*), and further, that the defect could not be remedied by the notes being stamped during the course of the proceedings, or subsequent to trial, on the usual undertaking being given and a penalty being paid. Mr. LE QUESNE, K.C., for the defendants, referred to the case of *Marc* v. *Rouy*, 31 L.T., 372, which

came within s. 54 of the Stamp Duties Act, 1870, where it was held that that section meant, with reference to foreign bills, that, in the words of Mr. Justice LUSH, "the holder cannot recover unless a proper adhesive stamp has been duly affixed." Section 38 of the Stamp Act, 1891, re-enacted the provisions of s. 54 of the Act of 1870, and in the eighteenth edition of ALPE, on the "Law of Stamp Duties," the above words of Mr. Justice LUSH are used with reference to s. 38 of the Act of 1891. Mr. Justice ROCHE, in the present case, however, decided the point against the defendants, and held that the French Government who brought the suit on notes which were made in France, payable in France, and stamped with a French stamp, was not issuing, negotiating, endorsing, transferring, paying or presenting for payment those notes. It was putting them in suit in the court, and he held they were not liable to any stamp duty and that consequently there was no bar against the suit or the recovery thereon. Judgment was, in fact, given for the plaintiffs. It is understood that there is an appeal pending, and in view of the comparative scantiness of authority on the stamp question, the decision of the Court of Appeal will be awaited with interest.

A Bigamist's Intestacy.

THE CURIOUS probate action *Re Stonebridge*, heard recently by Mr. Justice HILL, perhaps deserves some notice. The deceased died intestate and the plaintiff claimed to be his widow. The defendants, his children by a former marriage, set up the defence that he had committed bigamy in going through the ceremony of marriage with the plaintiff, who therefore had no rights. This ceremony took place in 1916, thirty-six years after the first marriage, and there was no suggestion against the plaintiff's good faith. The judge, perhaps naturally, plainly showed that he had formed a strong opinion on the moral merits of the case, and ultimately there was a compromise. Assuming the bigamy proved, however, the plaintiff would of course have had no rights at all, and the defendants would have had every legal justification for insisting on their own. The case of a virtuous woman, deceived by a man committing bigamy with her, is no doubt a hard one, and the question may be raised whether the law is not unduly harsh in such cases. One obvious suggestion might be made that, the bigamist having obtained the valuable consideration of the consortium by fraud, a civil action ought to lie against him. The text-books in fact show no traces of any modern victim having made the experiment—one complicated by the rule that the civil action would have to be postponed to prosecution, in accordance with the doctrine of such cases as *Smith* v. *Selwyn* [1914] 3 K.B. 98. There is one old case, however, namely, *Anon*, 1684, Skin. 119, in which the plaintiff, alleging that she was a virgin of good name and fame, declared that the defendant made love to her and married her when in truth he was married to another woman, etc., whereby she became of less credit, and lost, etc. The court held that the action lay. If that precedent was followed, and action lay against the legal personal representatives of the bigamist husband (distinguishing the breach of promise decisions, as *Quirk* v. *Thomas* [1916] 1 K.B. 516), a deceived woman would have a proper remedy. An alternative would be to forbid an administrator to set up his intestate's felony against the deceived woman's claim to the wife's share. When forfeiture followed conviction of felony, an action of tort would no doubt be useless, but there seems no good reason for denying the right of action in such case, for a woman's consent obtained by a trick, as in rape by personation, is no consent at all.

What is Drunkenness?

THE VEXED question of standards of drunkenness was again raised before the Marylebone magistrate last week, when a man who was charged was said by a police surgeon to have been drunk and unfit to be in charge of a motor car. Mr. HAY HALKETT is reported as saying that the doctor had nothing to do with the car and ought not to take it into consideration. "All you have to say," he said, "is, Was he drunk? Could he co-ordinate his faculties, speak properly? Is there anything that he could not do which he could do ordinarily? If you think of the car you are apt to slide into the dangerous theory that, because a car is involved, therefore it is a crime for a man half drunk to be in charge of it. The man must be so drunk as to be rightly arrested in the street for disorderly conduct." The last observation is very much to the point. To be arrested for drunkenness a man must be in some way a danger or a nuisance to himself or others, as for example by being incapable, or disorderly, or in possession of loaded firearms or in charge of a child, or a motor-car. It is an offence to be drunk in any public place, but unless a man is incapable or in some way brings himself to the notice of the police in the way suggested, he will not be arrested. What the medical man has to consider is whether the man was or was not drunk, and that question might properly be answered in the affirmative when the man's condition was such that, walking a little unsteadily home, or talking a little foolishly in a public conveyance, or sitting in the park, he would undoubtedly escape arrest. He might be drunk, but not very drunk. The fact that a man who is ordinarily capable of driving a car is unable to do so safely may be one piece of evidence, among many, of drunkenness; but we agree that there should be one standard of drunkenness for the man who is classed as "drunk and disorderly," or "drunk in charge of a motor-car." The degree of inebriety to justify a statement that a man is drunk may be far less than is necessary to justify a police officer in arresting him in the absence of such factors as disorder, the custody of a child, or the driving of a car. What is sometimes called "half drunk" should probably be "drunk." A man who is not quite sober is, we suggest, in the first stage of drunkenness already. If medical men were unanimous in this view the legal profession would probably find it easier to act upon their evidence. At present the question is left in some confusion.

Reasonable Force.

IN A CASE recently before Mr. Justice MCCARDIE, the learned judge discussed the amount of force which can justifiably be used against a woman trespasser. In the course of his summing up, he observed that it was difficult to know what was a reasonable amount of force to use when a woman resisted ejection. No doubt, however, his remark went merely to the application of the legal rule, which is clear enough, namely, that the use of force sufficient and no more than sufficient to effect the object of ejection is legally justifiable. Obviously, therefore, the law is the same for either sex, and the harder the trespasser struggles, whether man or woman, the greater force is allowed. That less force would be permissible as a rule against a woman than against a man follows, for the reason that her physical strength and powers of resistance are usually inferior. The matter is fully discussed in *Hemmings and Wife* v. *The Stoke Poges Golf Club* [1920] 1 K.B. 720, an action arising out of the forcible ejection both of the plaintiff, a servant of the defendant, and his wife, out of the cottage which the male plaintiff had occupied as such, and claimed to occupy after his dismissal. That claim was, of course, misconceived, and the plaintiffs were trespassers at the time of the alleged assault. PETERSON, J. (sitting in the King's Bench), considered himself bound against his own opinion by two decisions which the Court of Appeal over-ruled on appeal. In effect, the decision of the court was that, notwithstanding the statute of forcible entry, 5 Ric. 2, stat. 1, c. 7, owners of property may break into houses and eject trespassers, leaving the latter to their possible civil remedy under the statute. A decision the other way, as the judge pointed out, would have "added to the existing privilege of trespassers, on property which does not belong to them, by allowing them to recover damages against the true owner,

entitled to possession, who uses a reasonable amount of force and turns them out" (SCRUTTON, L.J., p. 747). It may be added that, as a practical matter, a householder need have little fear of using any violence in his power against a burglar who resists or threatens him, but would have to justify anything beyond cuts or bruises inflicted on the person of an ejected tenant.

The Effect of an Acquittal.

SIR CHARTRES BIRON, in his preface to "Lieck's Justice and Police in England," makes the observation that "magistrates, to whom increased responsibilities have been given by recent legislation, should . . . never forget that the issue in a criminal trial is not the guilt or innocence of the accused, but whether he is proved to be guilty by the evidence before them. Nearly all miscarriages of justice are due to a neglect of this basic principle." The learned chief magistrate reiterated this proposition only last week in the course of proceedings before him. The distinction, sound though it is, is one which most laymen, and some lawyers, fail to appreciate. Many acquittals, though in form verdicts of not guilty, would be, in fact, verdicts of not proven if such were provided for by English law. Moreover, an acquittal, though it entitles the accused to claim to be treated as innocent of the charge, does not necessarily in every case mean that he leaves the court triumphantly, "without a stain upon his character," in the favourite phrase. A man who is found not guilty of being drunk in charge of a motor car may have been proved to have been drunk beyond a doubt, but not proved to have been in charge of the car. Another, acquitted of obtaining money by false pretences with intent to defraud, may have had a clear intention to defraud, but have succeeded in his contention that his conduct, however discreditable, did not in law amount to a false pretence. It follows, therefore, that the acquittal of the defendant does not always, though it may, involve imputations on the honesty or even the accuracy of the witnesses for the prosecution. A verdict of not guilty is not a finding by the jury of complete innocence; it is a finding that guilt has not been proved. In other words, the presumption of innocence has not been rebutted. The defendant must for all purposes, of course, be treated as not guilty of that charge; but this does not involve his complete exoneration from all the elements that constitute the offence where they are clearly separable. And, it need hardly be added, the duty of the jury, or of the justices, is to say, not whether they think the defendant is guilty, but whether they consider that *according to the rules of evidence* his guilt has been proved. This, we take it, is the point upon which the chief magistrate lays particular stress.

A Reminder.

IN THE recent case of *Sheffield Corporation* v. *Kitson* (Crown Paper, 2nd May) which was an appeal from a decision of the Sheffield justices who convicted and fined the corporation for permitting one of their motor omnibuses to ply for hire without a licence, the corporation sought to rely, *inter alia*, on the provisions of a private Act of Parliament, namely, the Sheffield Corporation (Consolidation) Act, 1918, as over-ruling a Public Statute. During the hearing before the Divisional Court some difficulty was experienced in obtaining sufficient copies of the private Act for the use of the court, and the Lord Chief Justice thereupon drew counsels' attention to the Statutory Rule in the following terms: Whenever in any special case, rule *nisi*, or any other cause or matter, filed in the Crown Office for hearing by a Divisional Court of the King's Bench Division, reference is made to any private Act of Parliament, Statutory Rule or Order, etc., a copy of such Act, Rule or Order, etc., must be attached to each copy of the papers for the use of the judges at the time when the same are delivered at the Crown Office. "That rule," said his lordship, "seems to have been entirely disregarded in this case." Counsel apologised for the omission.

Criminal Law and Police Court Practice.

DISMISSAL OF MORE POLICE OFFICERS.—The press reports the dismissal of two "Special Branch" officers of Scotland Yard, in one case for breach of confidence, falsehood and neglect of duty, and in the other for breach of confidence and neglect of duty. There is a disposition in some quarters to regard these dismissals as indications of unsoundness in the metropolitan force. To an extent they are such an indication. But it is very reassuring that the authorities are now showing themselves vigilant in detection and drastic in punishment in such cases. The appointment of the present Commissioner has justified itself again and again, even in the short time he has been at work, and it is clear that his term of office will lay the public under great obligations to him. We expect to see the force raised again to the standard its efficiency and good conduct in the past have made men consider as normal, with complete restoration of that mutual confidence between the citizen and the constable which alone makes police work possible with the forces we employ, so very small in comparison with the population they serve.

FIRING A CARAVAN NOT ARSON.—IT IS a sound rule not to extend the criminal law beyond its actual scope by a construction in any degree forced. But we cannot help feeling that the judge who tried HARRY LINDLEY at the Yorkshire Assizes on the 1st inst. put an unduly narrow interpretation upon s. 3 of the Malicious Damage Act, 1861. The defendant had fired a caravan in which he said his wife was living with another man. He was indicted for arson under that section, by setting fire to "a house," and the prosecution read the Oxford Dictionary definition of a caravan as a house on wheels. The judge directed the jury to find a verdict of not guilty. He contrasted "dwelling-house" in s. 2 with "house" in s. 3, and seems to have argued that although a caravan might be a "dwelling-house" within the one, it was not a "house" within the other. But "house" surely is a wider term than "dwelling-house" and includes it. The object of limiting the expression in s. 2 is clearly shown by its being applied to "any dwelling-house, *any person being therein*." Suppose a dwelling-house had no one in it at the time of its being fired, s. 2 would not apply, and if we understand the judge aright s. 3 would not apply either, and we should have to fall back upon s. 6, which makes it felony to fire any building not before mentioned in the Act.

Liability of an Innkeeper for Personal Injuries to a Guest.

IT IS obvious that a guest at an inn may suffer personal injuries in one of three ways, namely, at the hands of another guest; at the hands of the innkeeper or his servants; or owing to an accident arising from the nature of the premises.

In the first of these cases there is undoubtedly no remedy against the innkeeper, for so long ago as *Calye's Case*, 1584, 8 Co. Rep. 320, it was held that "If the guest be beaten in the inn, the innkeeper shall not answer for it . . . the innholder ought to keep the goods and chattels of his guest, and not his person."

The second and third cases may, to some extent, be considered under one head, for it may be taken to be a generally-accepted proposition that whereas the innkeeper is under no absolute liability to protect his guests from any sort of bodily injury, it is nevertheless his duty to take reasonable care of the persons of his guests, so that they are not injured by reason of a want of such care on his part whilst they are at the inn as his guests (*Sandys* v. *Florence*, 47 L.J., Q.B. 598, per LINDLEY, J., at p. 600). In the course of his judgment,

but not if he elect to sell as trustee. This is one of the mysteries that are hidden from me.

It is important, in considering this subject, to see just what the powers of a personal representative are with regard to real property, bearing in mind that all the powers are exercisable by a sole personal representative. Stated shortly the powers are as follows :—

(1) All the powers, duties, rights, equities, obligations and liabilities of a personal representative in force at the commencement of the Ad. of E.A., 1925 (c. 23), with respect to chattels real (Ad. of E.A., 1925 (c. 23), s. 2 (1), s. 39 (1) (i)).

(2) All the powers of trustees for sale (*ibid.*, s. 39 (1) (ii) (iii)). On an intestacy the administrator holds upon trust for sale (*ibid.*, s. 33 (1)).

(3) All the powers conferred by the S.L.A., 1925 (c. 18), upon a tenant for life or statutory owner or trustees of a settlement, including the powers of management conferred by that Act during a minority (L.P.A., 1925 (c. 20), s. 28 (1)).

(4) All the powers, discretions and duties conferred or imposed on trustees holding land upon an effectual trust for sale (including power to overreach equitable interests and powers as if the same affected the proceeds of sale) (Ad. of E.A., 1925 (c. 23), s. 39 (1) (ii)). This seems to include the power of overreaching prior equitable interests conferred by the L.P.A., 1925 (c. 20), s. 2 (2), as amended by the L.P. (Amend.) A., 1926 (c. 11), Sched.

(5) Powers of appropriation (Ad. of E.A., 1925, s. 41, and of appointment of trustees of infant's property (*ibid.*, s. 42 (1)).

It may be mentioned that, with regard to the powers conferred by s. 42 (1) of the Ad. of E.A., there seems to have been a slip. The sub-section commences " Where an infant is absolutely entitled under the will or on the intestacy of a person dying before or after the commencement of this Act." Now, it is quite clear that an infant can never be absolutely entitled on an intestacy but can only be entitled contingently upon attaining the age of twenty-one or marrying under that age (Ad. of E.A., 1925, s. 47 (1) (i)). Moreover, if the intestate leave a surviving spouse, the interest of the infant will be reversionary in the whole or a half of the estate (*ibid.*, s. 46), so that the infant will not for that reason also be absolutely entitled (see *Re Yerburgh : Yerburgh* v. *Yerburgh* [1928] W.N. 208).

It will be seen that every effort has been made to render the powers of the personal representative as extensive as possible and to protect persons dealing with him, and all such powers are specifically preserved to a sole representative.

Landlord and Tenant Notebook.

Alternative Accommodation and the Rent Acts.

An important question concerning the nature of the alternative accommodation that a landlord must show is available, where he is seeking to recover possession of premises within the Rent Acts, under such of the provisions of the Acts as require the existence of alternative accommodation as a condition to the granting of an order for possession (e.g., paras. (*d*) and (*e*) of s. 4 " 5 " (1) of the Rent and Mortgage Interest Restrictions Act, 1923), was considered by a Divisional Court in *Middlesex County Council* v. *Hall* (*Times*, 30th ult.).

The point in that case was whether, in cases where the premises are used by the tenant partly for business purposes, the alternative accommodation must include not only dwelling-house accommodation but also accommodation reasonably suitable for the business carried on by the tenant at the premises in question.

In *Middlesex County Council* v. *Hall* the landlord council was proceeding under para. (*e*) of s. 4 " 5 " (1) of the Act of 1923, the ground on which they were claiming possession being that the premises were reasonably required by them for the purpose of the execution of their statutory duties or powers, and as to this requirement there was no dispute.

The alternative accommodation offered by the council, however, although it fulfilled the requirements of the Act so far as dwelling-house accommodation was concerned, was not, however, reasonably suitable for the business which the defendant carried on on the premises in question. The Divisional Court, reversing the decision of the learned county court judge, held that it was only the question of dwelling-house accommodation that the court was entitled to consider.

In coming to this conclusion the Divisional Court were largely influenced by the case of *Wilcock* v. *Booth* [1920] W.N. 44, which was a decision, however, under the Act of 1919, and in which case it was held that only dwelling-house accommodation was to be considered.

Whether the decision of the Divisional Court in *Middlesex County Council* v. *Hall* is correct is, it is submitted, open to question.

Under the Act of 1919 the meaning of alternative accommodation was left very much at large, that Act merely providing that the court, in determining whether it was reasonable to make an order for possession, should consider " all the circumstances of the case, including especially the alternative accommodation available for the tenant," and it is submitted even if *Wilcock* v. *Booth* was a correct decision under the 1919 Act, it can have no proper application to the Act of 1920 nor to the Act of 1923, having regard to the phraseology of the later Acts in connexion with the definition of " alternative accommodation."

According to the 1920 Rent Act the alternative accommodation was required to be " reasonably equivalent as regards rent and suitability *in all respects*."

Those words, " suitability in all respects," are very wide, and it is submitted that they would require the court to consider the suitability of the alternative accommodation from the point of view of accommodation for business purposes as well. For it is not only *quâ* dwelling-house accommodation, but also *quâ* business premises accommodation, that a tenant is protected, s. 12 (2) (ii) of the Act of 1920 expressly providing that " the application of the Act . . . shall not be excluded by reason only that part of the premises is used as a shop or office or for business, trade or professional purposes."

Now the object of the Rent Acts is, while protecting the tenant, not to preclude the landlord from recovering possession of his own property, if he can show that there is similar accommodation available for the tenant in substitution for the accommodation that he has at present. And the only reasonable interpretation of the words " suitability in *all* respects " is that where the tenant is using the premises partly for business purposes, the alternative accommodation offered must be the equivalent of the previous accommodation for the purposes not only of user as a dwelling-house, but also of user as business premises.

This, at any rate, was the view taken by the Irish and Scottish courts. Thus, in *Irvine* v. *Nelson*, 56 I.L.T.R. 107, it was held that the offer of a house without a shop was not adequate where the premises occupied by the tenant consisted of a dwelling-house and shop, and in *Cameron* v. *Wilson* [1922] Sc.L.T. (Sheriff Court Reports) 37, the Scottish courts considered that it was necessary for the purpose to take into consideration the professional needs of a dentist against whom an order for possession was being sought.

These were decisions under the 1920 Act, but when one comes to consider the provisions of the 1923 Act, one finds that " alternative accommodation " is defined with more precision.

This, according to s. 4 " 5 " (1) (*d*) of the 1923 Act, must be " reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent, *character* and proximity to place of work," and must consist " *either of a dwelling-house to which this Act applies* or of premises to be

let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent to the security afforded by this Act in the case of a dwelling-house to which this Act applies."

It will be observed that the above definition is so framed as to provide that the tenant should be offered in substitution the exact equivalent of what he has to yield up possession of to the landlord. In any event that part of the definition which provides that the premises must be reasonably suitable to the needs of the tenant as regards *character* is sufficiently wide to warrant the inference that, if the tenant has been in occupation of premises consisting of a shop and dwelling-house, the premises offered must also consist of a shop and dwelling-house, and must in other respects be similar in character—including character from the point of view of user for business purposes—to the premises of which possession is being sought.

It is submitted, therefore, that the accuracy of *Middlesex County Council* v. *Hall* is open to question, and it should further be pointed out that no one appeared in that case to argue on behalf of the tenant.

Our County Court Letter.

THE TERMINATION OF WORKMEN'S COMPENSATION.

THE rare event of a divisional court dealing with a workmen's compensation matter recently occurred in *Lewis* v. *Dobson Steam Fishing Co. Ltd.* The employers had appealed against an order of the learned county court judge at Grimsby, who had given leave to issue execution for money alleged to be due to the applicant under an award. In support of the order it was contended on behalf of the applicant that (1) he was unable to file a request for arbitration, as he had already obtained his award, and the respondents could have exercised their remedy of applying for a review; (2) it was sufficient for the applicant to prove that there was an award on the file in his favour, and that the weekly payments had not been made. The case for the employers was that (*a*) there was no power to give leave to issue execution, as (*b*) they had given a valid notice of intention to cease payment of 35s. a week, having received a medical certificate that the applicant was not in such a condition as entitled him to that amount, and (*c*) they were entitled at their own expense and risk to begin further proceedings for an interim order decreasing the amount. Mr. Justice TALBOT and Mr. Justice WRIGHT set aside the order giving leave to issue execution, and remitted the case for a re-hearing.

The remedies in the event of an improper termination were recently considered in *Anchor Donaldson, Ltd.* v. *Crossland*, 45 T.L.R. 97, in which compensation had been paid for nine months after the accident, but was then terminated on the ground that incapacity no longer existed. The workman thereupon applied for an award at the original weekly rate, and an interim award was made for the full amount pending a decision as to liability, but the employers were safeguarded to the extent of being allowed to pay the weekly sums into court. The House of Lords upheld the interim award, but decided that there was no jurisdiction to order the payment into court, and Lord BUCKMASTER pointed out that, apart from agreement or arbitration, the weekly payments can only be terminated under the Workmen's Compensation Act, 1925, s. 12, in three events. None of these occurrences was alleged, and the liability remained to continue the weekly payments to the applicant personally, the jurisdiction to make an interim award being inherent in the Act. There having been no application for a medical referee under sub-s. 3 (ii), the procedure with regard to payment into court was therefore inapplicable. Disapproval was expressed of the decision of the Court of Appeal in *Catton* v. *Ashwell & Nesbit, Ltd.* [1928] Ch. 484, which was stated to be not in accordance with the cases mentioned in the next paragraph.

In *Ocean Coal Co. Ltd.* v. *Davies* [1927] A.C. 271, payments were stopped on the ground that the workman admitted he had recovered, and the employers filed a request for arbitration on this ground. The Court of Appeal upheld an order for compensation up to the date of the award, but the House of Lords held that the county court judge had no jurisdiction to award any payment after admission or proof that incapacity had ceased, and that he ought to make a retrospective award terminating the weekly payments as from the date of recovery. On the other hand, in *Niddrie & Benhar Coal Co., Ltd.* v. *Dee* [1927] A.C. 299, the workman denied that he had recovered, and the employers paid the arrears of compensation into court on applying for a decision by medical referee. This application was refused, the matter being referred to arbitration in the ordinary way, and the House of Lords held that (1) the right of payment into court was not taken away by that fact, and (2) there was no liability to continue payments to the workman himself pending a decision as to incapacity by the arbitrator.

The distinction between these decisions is that in the *Ocean Case* the workman admitted he had recovered, and in the *Niddrie Case* (although the recovery was disputed) the statutory conditions were complied with, so that in both cases the employers were entitled to cease payments. In the *Anchor Donaldson Case*, however, the workman denied having recovered, and none of the statutory conditions had been observed, and the liability remained to pay the workman personally.

Practice Notes.

"NO QUESTIONS."

APPARENTLY it is still courting trouble to insert "no questions" in an advertisement asking for the return of lost property, as the case of *Smith* v. *Stevens*, *Times*, 23rd ult., shows. In that case the defendant, having lost a suit case, informed the police-sergeant whom she notified of her loss that she intended to advertise for the return of her property, and he warned her that she must not state in the advertisement "no questions will be asked." She, however, replied that she would probably do so. Later on he called and told her that he had been unable to recover the property, and she showed him an advertisement which she had inserted in a newspaper offering a reward, and stating that no questions would be asked. The result was this action, in which the police sergeant, suing as a common informer on the instructions of the Commissioner of Police, recovered judgment for £50, "with full costs of suit," as provided by s. 102 of the Larceny Act, 1861, which section deals with cases of this nature. This sort of action is, indeed, as Mr. Justice MACKINNON said, "of an unusual character." No doubt the Commissioner of Police thought that, having regard to the circumstances, this was a case in which action should be taken. Indeed, the defiance of authority by the defendant was sufficiently open. But one might easily conceive cases in which the forfeiture of a £50 penalty would be well worth while, and it would seem that in that case the penalty would be inadequate, whereas in other cases the punishment would far exceed the crime. The section does not fix a maximum penalty of £50, it merely says "shall forfeit the sum of fifty pounds," and it would certainly seem that if this type of action is to be brought at all, a certain amount of discretion should be allowed to judges.

DANCE-HALL UNLICENSED FOR TWELVE YEARS.

The proprietress of Trinity-road Dance Hall, Upper Tooting, accused of using her hall for public dances without a licence, was on Wednesday at the South-Western Police-court fined £5 and ordered to pay six guineas costs.

Mr. Campion (the magistrate) said that it was remarkable that the L.C.C. had been so long in detecting this offence, which had been going on for twelve years. He believed that the woman did not know she was doing wrong.

POINTS IN PRACTICE.

Questions from Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, is responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to The Assistant Editor, 29, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Back Duty.

Q. 1626. With regard to *Q.* 1602 appearing in your issue of the 6th April, 1929, the Inspector of Taxes has in a certain case claimed penalties under s. 107 (1) of the Income Tax Act, 1918, as amended by s. 23 of the Finance Act, 1923, such penalties being £20 for each year and treble duty in addition to the duty properly payable for the past six years. On this basis the Inspector of Taxes has negotiated for what he calls a "commercial settlement" with the taxpayer based on a period extending beyond the six years. Is this correct?

A. Unless deliberate fraud can be *proved*, the revenue authorities would not institute proceedings. The threat of the inspector of taxes is, unfortunately, becoming common among income tax officials who know perfectly well that the Commissioners of Inland Revenue would be as unlikely to institute proceedings where falsification or deliberate fraud could not be proved as they would be to succeed if they tried. A strong line should be taken. The whole thing is in the hands of the taxpayer. If he feels morally liable to pay duty for years prior to the six year limit, he is at liberty to do so, but the authorities have no power to assess or to ask for penalties for the earlier years. For the last six years the revenue may assess in the ordinary way, and penalties *may* be proceeded for *if incurred* but the practice is as stated.

Party Wall—Billposting Station.

Q. 1627. A is owner of a house and shop adjoining land belonging to B. B uses the end house wall of A's house (which is a party wall and is so described in the deeds) as a bill-posting station, and as the result of having paper continually pasted on the wall, it has resulted in the dampness percolating through and causing damage to the decorations in A's house. B refuses to do anything to remedy this. Is A entitled to an injunction restraining him from using the wall thus and to damages for nuisance, bearing in mind that the wall is a party wall owned jointly by A and B?

A. The term "party wall" may be used in several different senses, but it is assumed that it is here used to show that the wall in question would formerly have been held by A and B as tenants in common. By the L.P.A., 1925, either under s. 39 (5) and 1st sched., pt. 5, para. 1, or under s. 38 (1), according as to whether or not respectively the wall was a party one prior to 1926, the ownership thereof is deemed to be severed vertically as between A and B, the owner of each part having such rights to support and user over the rest of the structure as may be necessary for conferring rights corresponding to those subsisting at the commencement of the Act. The opinion here given is that, notwithstanding the statutory vertical severance of the wall, A is under the circumstances mentioned entitled to relief and should make an application to the court for an order under s. 38 (2) L.P.A. 1925.

Receiver of Lunatic's Estate—Whether Power to consent to Lease by Mortgagor of Property Mortgaged to Lunatic.

Q. 1628. A mortgage was transferred to a person of unsound mind not so found, and a receiver was duly appointed. The mortgage contains a clause: "And it is hereby declared that no lease made by the mortgagor his heirs or assigns of the said premises or any part thereof during the continuance of this security shall have effect by force or virtue of section 18 of the Conveyancing and Law of Property Act, 1881, unless the mortgagee his executors, administrators or assigns shall consent thereto in writing." Can the receiver give a required consent to a lease by the mortgagor for seven years, or must an application be made to the court for the purpose, or alternatively should the consent of the master be obtained?

A. It is considered clear that such a consent comes within s. 120 (2) of the Lunacy Act, 1890, and unless (which is unlikely) the order appointing the receiver authorises him to exercise such powers without the consent of the judge, an application should be made to the master. The evidence should show that a grant of the lease would be either beneficial to or, at least, would not prejudice the value of the security.

Cheque on Behalf of a Society given for Third Party's Debt—Cheque Dishonoured—Right to Sue.

Q. 1629. A owes a tradesman £11 for work done, for which he gives the tradesman a cheque, signed by A and B on behalf of a certain obscure charity. The order has been given by A. The tradesman gives a receipt for the £11 and pays the cheque into his bank. He does not give the receipt "by cheque." The cheque is dishonoured: (1) Can the tradesman sue A for work done; or (2) Can he sue A or B or the charity or all three of these, jointly and severally, on the cheque.

A. (1) Yes. A cheque is only conditional payment and on dishonour the right to sue for original debt is revived: *Cohen* v. *Hale*, 3 Q.B.D. 371. This applies even where the cheque is that of a third party, unless there is clear evidence that the creditor agreed to accept the third party's cheque in actual discharge, which would very rarely, if ever, be the case: See *Maxwell* v. *Deare*, 8 Moore P.C. 364. (2) Apart from the question of want of authority of A and B to pledge the credit of the charity for a debt of A's, the charity, if it is an unincorporated body, cannot be sued. A and B cannot be sued on the cheque if (as seems to be the case) they clearly signed in a representative character: Bills of Exchange Act, 1882, s. 26. If they had no authority to draw the cheque and it was dishonoured on that account they could probably be sued for breach of warranty of authority, but the claim in such a case is for damages and not a liquidated one. No action except against A is recommended.

Contract for Sale of Freeholds—Reservation of Minerals not Disclosed—Right to Rescind—Compensation.

Q. 1630. About a fortnight ago certain property was put up for sale by auction by our clients. The root of title being a will. The executors of the will, A and B bought the above property after the death of the testator, and in the conveyance, the mines and minerals were excepted and reserved. In the conditions of sale, through a clerical error, no provision was made as to the property being sold with the mines and minerals excepted and reserved. At the present time there are no mines and minerals underneath the property sold owing to the same having been worked years ago. Some years ago subsidence occurred to most of the properties in the district but this has now practically righted itself. Since the sale we have now had a requisition to this effect: "According to the abstracted deeds subsequent to root of title, the whole of the mines and minerals are excepted and reserved, but they are not reserved by conditions of sale. The purchaser will therefore, claim compensation in respect of these." We should like you to help us in this matter, as it is a very important one indeed, as we do not wish to have the contract rescinded, neither do we wish to pay any compensation,

especially taking into consideration the fact that the mines and minerals were worked many years ago. We should be very pleased and grateful indeed if you could give us any points on which to base our answers to this requisition, and particularly any case law on the point.

A. Unless the purchaser was actually aware that the vendor could not sell the minerals it would appear that he is entitled to complete with compensation, but whether he is entitled to rescind or not depends upon whether he is obtaining substantially, though not precisely, what he expected to get or not. The most usual cases, for compensation are cases of innocent misdescription of quantity to a small extent, but compensation is not confined to this class of case: *Re Brewer & Hankins Contract* (1889), 80 L.T. 127. The fact that the minerals have been worked *out* does not, apart from the subsidence, seem to affect the point, unless the reservation only extended to the minerals actually worked, because similar or other minerals may exist at a lower depth. We express the opinion that the best course to pursue would be to allege that the purchaser must have been aware owing to the subsidence or otherwise that the minerals had been worked, and that therefore, they must have been reserved, and we give below the draft of the suggested "Reply," but we express the view that if the purchaser was not aware of the situation he is probably entitled to complete with compensation or to rescind. The point is a very difficult one and our advice must be taken as being subject to any special provision in the contract. Suggested reply: "The fact that the reservation of minerals was not expressly mentioned in the conditions of sale was due to an oversight, but as the purchaser must be aware that the minerals have been worked in the whole of this district, he must have known that they were the subject of a previous reservation, and excluded from the sale, and he is therefore not entitled to compensation."

Estate Duty—Gift *inter vivos.*

Q. 1631. A is a butcher, trading in Newcastle since 1920, and making an annual profit of about £260. In 1922, A's uncle, who was a fairly wealthy man, instructed a local stock and share broker to purchase various stocks and shares, the certificates to be made out in A's name. He also instructed a local firm of solicitors to draw up conveyances purporting to show a purchase by A from his uncle of two properties value £1,500. A had possession of the deeds and share certificates, but all rents and dividends were received by his uncle. The uncle met all outgoings and declared profits from these sources in his income tax return. In 1928 A's uncle committed suicide and a disclosure of the transactions were made to the tax authorities on A's behalf, a lawyer's receipt in respect of a transfer of deeds to A and a letter from the stockbrokers to A's uncle confirming instructions, being also presented for inspection. The income tax authorities accepted A's statement. A's solicitor did not disclose the aforementioned transactions to the probate authorities when winding up the uncle's estate. Now, after eighteen months, the matter has come to the knowledge of the probate authorities *vide* the income tax authorities, with the consequence that A is asked to pay further estate duty amounting to £200. A's contention is that the transactions were valid and that he is not liable to the further assessment.

A. It is quite clear that A is liable to estate duty, since the gift was not an out-and-out one. The rate of duty will be that appropriate to the net amount of the uncle's estate, plus the gift. The only point of difficulty that arises is whether the duty is payable by A, or whether it should come out of the uncle's residuary estate. I am inclined to think that as the certificates and deeds were in A's name at the date of death, the assets did not pass to the uncle's executors as such, and that consequently they are not liable for the duty and that "A" must pay it. The value on which duty is payable is the value of the stocks and realty as at the date of the uncle's death. I think that the Revenue will also claim Legacy Duty and Succession Duty at 5 per cent.

Correspondence.

Land Charges Act, 1925.

Sir,—Under the provisions of the Land Charges Act, 1925, it is permissible for the Commissioners of Inland Revenue to register a Class "D" land charge in respect of any claim for death duties where such duty has become a charge upon land. We have had occasion in numerous cases to make searches in cases where there was obviously a charge upon land for death duties, but we have never yet found such a charge registered by the Inland Revenue Authorities. Could you tell us, please, whether, as a matter of practice, the Inland Revenue Commissioners do or do not register a charge in every case where land is affected and becomes charged with a claim for duty. It seems to us that they do not.

Hamilton Fulton, Sant & Kirby.

Salisbury,
3rd May.

[So far as we have been able to ascertain it does not appear that the Commissioners often avail themselves of this power. Perhaps some of our readers could further enlighten us.—Ed., *Sol. J.*]

Reviews.

A Classical Work on Defamation.

Gatley: Libel and Slander in a Civil Action. Second Edition. Sweet & Maxwell, Ltd. 52s. 6d. net

Let it be said straight away that "Gatley on Libel and Slander" is not only invaluable but is even indispensable to the practitioner.

The proof is to be found in the fact that a second edition of the work was called for within four years. And the matter has, in a way, been judicially determined in the foreword which Mr. Justice McCardie has written to this new edition.

A comparison of the texts of 1924 and 1928 shows a development of opinion on the part of the learned author in relation to two matters of practical importance.

The first of these is indicated in the Preface; it concerns the defence of fair comment and the value of the rolled-up plea. The matter has been much agitated since the decision of the House of Lords in the case of *Sutherland* v. *Stopes* [1925] A.C. 47, as will readily appear from a perusal of the judgments in *Leech* v. *Leader*, 1926, 2 D.L.R. 28, and *Boys* v. *Star Publishing Co.*, 1927, 3 D.L.R. 847, to which the author refers.

The point in debate is whether the "rolled-up" plea is a sufficient plea by way of defence in cases of public interest where the defamation charged consists not only of injurious expressions of opinion, but also of defamatory statements or imputations of fact. In such cases (so the argument runs) the truth of the defamatory facts or imputations cannot be proved under the ordinary plea of fair comment; it is necessary (so it is said) to add a plea of justification.

Now in *Sutherland* v. *Stopes* the defendant had in fact pleaded justification as well as fair comment, so that the point which is supposed to have been decided, to wit, the value of the "rolled-up" plea standing alone, did not arise. Moreover, a careful reading of the opinions of the Law Lords in *Sutherland* v. *Stopes* shows that the *decision* in that case in no wise turned upon the value of the "rolled-up" plea. Some of their lordships do in fact discuss that plea, but the opinions they express are plainly *obiter* and are not always consistent one with another. And at least one of these opinions is not law, as Lord Wrenbury hints at p. 87 of the report. In any event, as has been stated, the actual decision did not turn upon a point of pleading. And it is most unfortunate that the head-note in the Law Reports should have suggested that the case determined the value and the proper mode of pleading the defence of fair comment. The misleading head-note has evidently brought confusion in the courts of some of the

Dominions (and nearer home, maybe), and has obviously exercised the patient learning of Mr. Gatley. The truth is that *Sutherland* v. *Stopes* has nothing to do with the pleading point. The dictum of Collins, M.R., in *Digby* v. *Financial News* [1907] 1 K.B. 502, at p. 507, remains to torture pleaders as to its weight and meaning.

The second matter of importance on which one notes a development of opinion in the new edition of "Gatley" concerns the right of bodies corporate and unincorporate to sue for defamation.

A body corporate is, of course, in law a *persona* and entitled to protect its corporate reputation. Thus, a trading company may maintain an action for libel or slander for any words which are calculated to injure its reputation in the way of its trade or business.

A statement, for instance, that a trading company conducts its business in a dishonest or fraudulent way is plainly actionable. But a statement that a trading company has ceased to carry on business, though false, is not defamatory. Such a statement may give rise to an action on the case for damages on proof that the statement was false, that it was made with actual malice, and that it caused damage.

The "derelict shipyard" actions which were brought in 1927 by the same plaintiffs (Otto Anderson Limited) against different defendants in respect of identical words, and which resulted in the one case in a verdict for the plaintiffs for £500 damages, and in the other case in a verdict for the defendants, show that the border line between what is libel and what is not libel on a body corporate is not always easy to discern.

The matter is naturally more difficult in the case of unincorporate bodies such as, for instance, trade unions, registered and unregistered. There appears to be no express decision on the point whether a registered trade union is so far a *persona* as to be able to sue for damages for defamation. Mr. Gatley states his view in the form of a submission that "the transaction of the business incidental to the holding and management of (trade union) property creates a reputation similar to that of a trading corporation, and entitles the union to maintain an action for libel in respect of any words which tend injuriously to affect its property or its financial position." The terms of this submission show that the point is one open to argument, and the fineness of the point appears from the dogmatic statement that "an unregistered trade union has no legal entity and cannot maintain an action for libel or for any other tortious act."

Does the mere registration of an unincorporate body make all this difference? It is a question of high practical importance. It is also a question of deep theoretical interest. One of these days it will come up for argument and for decision. On that day those who argue and those who decide the issue will seek their materials in the latest edition of Mr. Gatley's admirable work.

"*Principles of the Constitutional Jurisprudence of the German National Republic.*" JOHANNES MATTERN, Ph.D. The John Hopkins' University. Medium 8vo. pp. xv and (with Bibliography and Index) 682. London: Humphrey Milford, Oxford University Press. 23s. net.

The main theme of the author of this useful and interesting work is the revolution of 1918 and its consequences, which is introduced by a summary (to which 64 pages are devoted) of the history of the German constitutional system up to that year.

The transitional period which followed presented, as may well be understood, many new problems in constitutional law and practice. For instance, the constitution of 1871 did not provide for the appointment of a chancellor except by the Emperor, but the Emperor had gone and so had his chancellor, and there was no constitutional precedent for the delegation of imperial authority to the chancellor in the event of such a step becoming necessary. How the difficulties arising under the circumstances were faced and overcome is effectively described by the author in Chapter 2.

The next step to be taken by the builders of the constitutional system was from absolute monarchy to government by elected representatives of the people. The author states that the grip of monarchic and bureaucratic control before the revolution was so strong that the new constitution had to borrow many elements from the constitutional systems outside Germany.

How the constitution, composed of borrowed elements from England, the United States, Switzerland and France, was modelled to fit the body politic of Germany, is the keynote to the whole work and is a study, therefore, which can be recommended to all students of constitutional law.

In addition to the problems referred to, the author discusses many constitutional concepts of more general interest, of which the following may be taken as a few examples:—(1) The conceptions of state and sovereignty in German constitutional jurisprudence; (2) Legal continuity; (3) The respective functions of the executive and legislative departments of the government; (4) The rights of man and the citizen.

The work includes a full bibliography and an excellent index, and should prove a valuable addition to any law library.

Books Received.

The North Carolina Law Review. Vol. VII. No. 3. April, 1929. pp. 236 to 360. The University of North Carolina Press Chapel Hill, N.C. 80c.

The Law of Land. The Prerogative Rights of the Crown, the Rights of the Public and the Rights and Duties arising from Ownership and Use of Land. Sir H. S. THEOBALD, K.C., M.A., Hon. Fellow of Wadham College, Oxford. Second edition. Revised and enlarged by the Author. Medium 8vo. pp. xlvi and (with Index) 424. 1929. London: The St. Catherine Press, Stamford-street, Waterloo, S.E. 21s. net.

Shipping Inquiries and Courts as regulated by the Merchant Shipping Acts. A. R. G. MCMILLAN, M.A., LL.B. Foolscap 4to. pp. xii and (with Index) 156. 1929. London: Stevens & Sons, Ltd. 10s. net.

The Cambridge Law Journal. Vol. III. No. III. 1929. Edited by H. A. HOLLOND, M.A., LL.M., and P. H. WINFIELD, LL.D., for the Cambridge University Law Society. London: Stevens & Sons, Ltd. 5s. net.

Snell's Principles of Equity, intended for the use of Students and Practitioners. Twentieth edition. H. GIBSON RIVINGTON, M.A., Oxon., and A. CLIFFORD FOUNTAINE. Solicitor. Demy 8vo. pp. clvi and (with Index) 659, 1929. London: Sweet & Maxwell, Ltd. 30s. net.

Trout Fishing from all Angles. A complete Guide to modern methods. By ERIC TAVERNER, Author of "Divers Ways to tackle Trout": a Chapter on Trout Scales by G. HERBERT NALL, M.A., F.R.M.S., and "The Legal Aspect of Fishing" by ALBAN BACON, Barrister-at-Law. With 250 Illustrations. Editors: The Right Hon. THE EARL OF LONSDALE, K.G., G.C.V.O., D.L., Sir THEODORE COOK, and ERIC PARKER. pp. 448 (with General Index and Index to "The Legal Aspect of Fishing"). The Lonsdale Library of Sports, Games and Pastimes. 1929. London: Seeley Service & Co., Ltd., 196, Shaftesbury-avenue. 21s. net.

The Bombay Law Journal, April, 1929. Vol. VI. No. 11. 110, Meadows-street, Fort, Bombay. Annual Subscription: India Rs.10. Foreign Rs.13.

Lord Chief Baron Pollock. A Memoir. By his grandson, LORD HANWORTH, P.C., K.B.E., Master of the Rolls, High Steward of Stratford-on-Ayon and Deputy High Steward of Cambridge University. With frontispiece and seven illustrations and family tree. pp. xiii and 218. London: John Murray, Albemarle Street, W. 10s. 6d. net.

Notes of Cases.

Court of Appeal.

In re **A Debtor.**

Lord Hanworth, M.R., Lawrence and Sankey, L.JJ.
12th April.

BANKRUPTCY — INITIATION OF PROCEEDINGS — "FINAL" JUDGMENT OR ORDER—CO-RESPONDENT IN DIVORCE SUIT ORDERED TO PAY COSTS INTO COURT—DECREE NOT MADE ABSOLUTE—FAILURE TO PAY—NO "FINAL" ORDER—PROCEEDINGS INITIATED IN NAME OF PETITIONER'S SOLICITORS—WHETHER PROPER PARTIES—BANKRUPTCY ACT, 1914, s. 1.

Appeal from the Registrar in Bankruptcy.

The debtor was co-respondent in a divorce suit and, by an order made on 11th July, 1928, he was directed to pay into court the amount of the petitioner's costs. On 24th October that order was varied and the debtor was ordered within seven days to pay to the solicitors of the petitioner the sum of £67 1s. 9d., the amount of the petitioner's taxed costs, to be lodged in court. On 25th November the decree *nisi* was made absolute. On 2nd January, 1929, a bankruptcy notice was issued in respect of the debt, but it was issued in the name of the petitioner's solicitors. On 22nd January a petition was presented and a receiving order was made. The debtor now appealed against that order. He contended that the petitioner in the suit was the real petitioning creditor, and proceedings should have been begun in his name; further, that the order to pay the £67 1s. 9d. was not a "final" order, within the meaning of s. 1 of the Bankruptcy Act, 1914, justifying the issue of a bankruptcy notice, for if the King's Proctor had intervened the order to pay the costs might have been rescinded.

LORD HANWORTH, M.R., allowing the appeal, said that due significance must be given to the word "final." Was the present order final within the meaning of the section? It required a certain sum to be paid to the solicitors to lodge in court. Why was the money to be paid into court? So that it might be the subject of a future order. It was clear that further proceedings would have been necessary to get the money out of court. The order of 24th October did not finally determine the right of the petitioner, or anybody else, to the money in question. With regard to the other point raised, *Ex parte Muirhead*, 2 Ch. D. 22, showed that the person to take bankruptcy proceedings should be the principal, in this case the petitioning husband. The receiving order must, therefore, be discharged.

LAWRENCE and SANKEY, L.JJ., gave judgment to the same effect.

COUNSEL: *W. N. Stable*, for the appellant; *Tindale Davis*, for the respondents.

SOLICITORS: *Kenneth Brown, Baker, Baker; H. L. Lumley and Co.*

[Reported by G. T. WHITFIELD-HAYES, Esq., Barrister-at-Law.]

High Court—King's Bench Division.

Attorney-General *v.* **The Public Trustee, Desmond Adolph Tuck, Lewis Wolff.**

Rowlatt, J. 16th January.

REVENUE—DEATH DUTIES—JOINT TENANTS OF LAND UPON THE STATUTORY TRUSTS—TRUST FOR SALE—REAL OR PERSONAL ESTATE?—FINANCE ACT, 1894 (57 & 58 Vict., c. 30), s. 6 (8)—LAW OF PROPERTY ACT, 1925 (15 Geo. 5, c. 20), 1st Sched., Pt. IV, s. 1 (ii), s. 35.

Information by the Attorney-General.

Adolph Tuck, by his will dated the 28th October, 1912, appointed the defendants and Gustave Tuck and J. I. Jacobs to be executors and trustees, and he devised and bequeathed all his real estate and his residuary personal estate to his trustees upon trust to sell and convert into money all such parts thereof as should not consist of money, and to hold all such moneys and also his real and residuary personal estate until converted into money upon certain trusts. The testator died on the 3rd July, 1926, and the will was duly proved by the defendants. Immediately before the commencement of the Law of Property Act, 1925, the testator and his brother Gustave Tuck were absolutely entitled to certain freehold property in London for an estate in fee simple in possession as tenants in common in equal shares. By virtue of the provisions of ss. 34 and 39 (4) of the Act of 1925, and of Pt. IV of the First Schedule thereto, tenancies in common and undivided shares in land were abolished, and the entirety of the property became by virtue of s. 1 (2) of Pt. IV of the schedule and was at the time of the testator's death vested in him and his brother as joint tenants upon the statutory trusts defined by s. 35 of the Act, that was to say, upon trust for sale with powers of postponement and interim management and upon trust to hold the proceeds of the sale thereof, and the rents and profits thereof until sale, for the testator and his brother in equal shares. In consequence of the provisions of the Act the testator's beneficial interest in the property ceased to consist of a share in the land and became a share in the benefit of the statutory trust for sale, and it was this interest that was included in the residuary devise and bequest contained in the will. The testator's moiety of the net proceeds of the sale of the property amounted to £26,973, and was included by the defendants in the affidavit for probate of the will as real estate, and they claimed that it ought to be so treated for the purposes of estate duty notwithstanding the trust for sale. The defendants contended that the estate duty which became payable on the testator's death in respect of his moiety was "duty due upon an account of real property" within the meaning of s. 6 (8) of the Finance Act, 1894, and that they were entitled to pay the duty by instalments extending over a period of eight years with interest at the rate of 4 per cent. per annum. The Attorney-General contended that the testator's moiety of the proceeds of the sale of the property was, for the purposes of estate duty, to be treated as personal estate, so that the duty became due upon the delivery of the Inland Revenue affidavit with interest at 4 per cent. from the death of the testator. He submitted that the operation of s. 16 of the Law of Property Act, 1925, was confined to interests which passed as land on a death taking place after the commencement of the Act, and that it had no operation as regarded property which before the commencement of the Act consisted of undivided shares in land which by the Act were abolished and replaced by interests which were neither land within the meaning of the Act nor real property within the meaning of the Finance Act, 1894. After argument, the Attorney-General referred to the cases of *Re Wheeler* [1928] W.N. 225; and *Re Mellish* [1927] (unreported), which he admitted were against him.

ROWLATT, J., said that he must follow those authorities. It was not only that Eve, J., had decided the matter, but that Tomlin, J., had taken the position that Eve, J., had decided it. If the Crown wished, they had better take the case higher to be discussed, but he (his lordship) could say no more than that he thought that the case was covered by the two authorities, and the information would be dismissed. The case had raised a very interesting question.

COUNSEL: *The Attorney-General* (Sir Thomas Inskip, K.C.), and *J. H. Stamp*, for the Crown; *Latter*, K.C., and *A. Andrews-Uthwatt*, for the respondents.

SOLICITORS: *Solicitor of Inland Revenue; Morley, Shirreff and Co.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

City of London Real Property Co. Ltd. *v.* **Jones (H.M. Inspector of Taxes).**

Rowlatt, J. 20th March.

REVENUE—INCOME TAX—PROPERTIES LET—SERVICES SUPPLIED—TRADE OR BUSINESS—ASSESSABLE UNDER SCHEDULE D—INCOME TAX ACT, 1918, 8 & 9 Geo. V, c. 40, Sched. D, Case I.

Case stated by the Commissioners for the Special Purposes of the Income Tax Acts.

In this case the City of London Real Property Co., Ltd., appealed against an assessment to income-tax made on them under Case I of Sched. D of the Income Tax Act, 1918, in the sum of £350,000 for the year ending the 5th April, 1928, in respect of the carrying on of a trade or business by letting accommodation and providing various services in connexion with premises owned by them. The company was incorporated on the 11th April, 1864, and owned a large number of freehold and leasehold properties in London which it let out to tenants at yearly rentals and on which it had been in the past assessed under Sched. A. In certain of their premises, however, they provided services, such as heating, lighting, and a lift, for which an extra charge was made. Previous to the year under consideration the company had been assessed under Sched. D in respect of profits arising from the services rendered to tenants. For the year material to this case, however, the company were assessed under Sched. D in respect of the *total* receipts from their properties where services were given. It was contended by the Crown that over and above the profits assessable under Sched. A in respect of its *property* in the freehold and leasehold premises the company made a further profit by the user of those premises as a commercial enterprise by supplying services, and that such profit was not covered by assessment under Sched. A. The Commissioners found that the company was carrying on a trade or business and was assessable to income-tax under Case I of Sched. D of the Act of 1918, and they confirmed the assessment in principle and directed that the correct figures should be agreed between the parties. The company now appealed.

ROWLATT, J., said that in this sort of case it was difficult to say where the line should be drawn, but he thought that the case was governed by *Salisbury House Estates, Ltd.* v. *Fry* (*H.M. Inspector of Taxes*), Tax Leaflet 432. In the present case the company was really keeping all the properties and making what they could out of them, and one could not distinguish what they charged for their services from the rent which they intermixed. He thought, therefore, that the whole thing must be brought into one. The company were entitled to relief, however, as regarded certain of their premises in respect of which the tenants paid all outgoings, as in the case of self-contained shops or small buildings let as a whole. Subject to that relief the appeal was dismissed and the case must go back to the Special Commissioners for correct figures of liability to be ascertained.

COUNSEL: *Raymond Needham*, K.C., and *Scrimgeour*, for the appellants; *The Solicitor-General* (Sir Boyd Merriman, K.C.) and *R. P. Hills*, for the Crown.

SOLICITORS: *Vincent & Vincent; Solicitor of Inland Revenue.*

[Reported by CHARLES CLAYTON, Esq., Barrister-at-Law.]

Probate, Divorce and Admiralty Division.

Waterfield *v.* **Waterfield and Pretorius.**

Bateson, J. 26th March.

DIVORCE—MARRIAGE BEFORE RESIDENT MAGISTRATE AND WITNESSES IN UNION OF SOUTH AFRICA—PROOF OF MARRIAGE—UNION OF SOUTH AFRICA STATUTES, No. 17 of 1923, s. 40—EVIDENCE (COLONIAL STATUTES) ACT, 1907 (7 Edw. 7, c. 16)—CAPE OF GOOD HOPE STATUTES, No. 16 of 1860.

This was a husband's undefended petition for dissolution of marriage. The parties were married in 1915 at Cape Town in the Union of South Africa. The marriage was by special licence before a resident magistrate and witnesses, under the provisions of the Marriage Act, 1860, Cape of Good Hope Statutes, No. 16 of 1860. There were before the Court the original certificate signed by the magistrate and a certificate issued from the Registry of Births, Marriages and Deaths for the Union of South Africa in the terms of Union of South Africa Statutes, No. 17 of 1923, s. 40. Counsel for the petitioner produced a copy of the 1923 statute, which made such latter certificate evidence of the marriage in all courts of the Union, the copy statute purporting to have been printed by the government printer and consequently receivable in evidence by virtue of the Evidence (Colonial Statutes) Act, 1907, and submitted that the marriage of the parties was sufficiently proved.

BATESON, J., said that he was satisfied that the marriage had been properly proved and having received evidence of adultery given on affidavit pronounced a decree nisi.

COUNSEL: *H. B. Durley Grazebrook*, for the petitioner.

SOLICITOR: *C. T. Lewis.*

[Reported by J. F. COMPTON-MILLER, Esq., Barrister-at-Law.]

Central Criminal Court.

Tributes to the late Sir Herbert Austin.

At the sitting of the court on Monday, the 22nd ult., the Recorder of London—addressing the senior member of the Bar present, Sir Henry Curtis Bennett, said: There is a vacant place. Before the business of the court starts it is only fitting that a few words should be said to mourn the passing of a great official, Sir Herbert Austin, a man who of the sixty-two years of his life has passed no less than forty-six as an official of this court, who in 1913 was elevated to the great and responsible position of Clerk of this, the greatest Assize Court in the Empire; who in 1924, for his eminent services, received the honour of knighthood.

My words shall be few, because my brethren and others would desire to join in this sad tribute to our friend. As a criminal jurist he was unrivalled. There was no man in this country who possessed a greater knowledge, or even as great a knowledge, of the criminal law. His tact and courtesy were outstanding. There is no judge who does not owe an unpayable debt of gratitude to the silent help that Sir Herbert gave him. His joy in life was great. He not only enjoyed life himself, but the secret of his joy was dispensing joy to others. Only those who knew him well could realise his bravery. He was suffering from a mastoid trouble; he never let that interfere with his duty; he never missed a single session of this court. On one occasion, when he all but lost his right arm through an accidental burning, he was not away for a day, but with his right arm in a sling he did his work with his left, despite the great physical suffering. I never knew a man with such capacity for getting things done; whether it was something in connexion with his ordinary work or anything at all that you asked him to do, you knew it was done, and probably he overtaxed himself by insisting upon attending to every detail owing to his enormous devotion to duty. Every member of the Bar, every solicitor or managing clerk, any person who came into this court, or into the precincts of this court, can testify to his helpfulness; how he was always ready and willing to help anybody, even at the sacrifice of himself and his leisure; how he would remain in the office long after office hours, sometimes into the watches of the night, in order that every detail should be attended to; and, lastly, all of us mourn him chiefly as a great personal friend, and we feel that the gap that he has left in the office, in the court, in all our hearts, can never be filled.

My brethren and I have consulted as to whether it would be fitting that the court should adjourn for to-day in order to mark our sense of bereavement, but we have come to the conclusion that that would be the last step that he would desire to be taken. What he would desire to do, and what we propose to do, is to carry on with the work, mindful of his example and inspired thereby.

The Common Serjeant: Mr. Recorder, I desire to emphasise everything that has fallen from your lips. I do not think I was ever so much distressed as I was on Saturday, and I am sure that what I felt was felt equally by all who knew and loved Austin.

I only want to add a few remarks because I have worked with him so long. He became Clerk, I think, in 1913; I

became Common Serjeant in 1917; so we have worked together for twelve years. It is not enough to say that I esteemed the man; I felt far more than that, I had the greatest affection for him. He was so bright so cheerful, even when he suffered, and we know he suffered grievously. His suffering never hurt him in his work; he was always of even temper, and besides that he was gifted with two gifts—common sense and tact, which are more useful than most of the qualities that we desire.

With regard to his knowledge of the law, it was remarkable to me when we remember he was not brought up to the law. As a youth of seventeen he came, of course in an inferior position, into the precincts of this court, and yet I venture to say—and I say it advisedly—that there are very few people in this country, judges or otherwise, who had such an extraordinary grasp of the criminal jurisprudence and the procedure under which it is administered. Sometimes it occurred to one to have a doubt upon a point, and when one consulted Austin, almost immediately he would quote a case which would resolve one's doubts.

With regard to the suggestion of an adjournment I only want to say this, I think we are only following two precedents. In the first case when Queen Victoria died, I was engaged in an election petition at Pembroke Boroughs; the judges did not quite know what they ought to do, and they asked us in to consult us, leading counsel on both sides, as to whether they ought to adjourn, and the conclusion arrived at was that the first wish in the mind of the Sovereign would be not to interfere with the judicial work of the country. When King Edward died, curiously enough I was in the same position in connection with a petition at East Dorset, where the same question arose, and with the same result, that we did not adjourn.

I only want to say what is in the minds of all of us, that we have not only lost a very good, a very good and tried friend, but we have lost the most valuable colleague, whose place, I agree with the Recorder, we shall find it very difficult to fill.

Judge Atherley Jones, K.C., Alderman and Sheriff Sir William Waterlow. The Director of Public Prosecutions, Sir H. Curtis Bennett and The Deputy Clerk of the Court all followed to express in a few words their grief and their admiration and affection for their old friend and colleague.

Societies.

United Law Clerks' Society.

ANNIVERSARY FESTIVAL.

The ninety-ninth anniversary festival of the United Law Clerks' Society was held on Wednesday, 17th ult., at the Connaught Rooms, Sir Thomas Inskip, C.B.E., K.C., M.P. (Attorney-General), occupying the chair. The guests included: Mr. Justice Macnaghten, Sir Reginald Mitchell Banks, K.C., Mr. W. J. Jeeves, O.B.E., K.C., Mr. F. K. Archer, K.C., Mr. J. Arthur Barrett, K.C., Mr. Charles Doughty, K.C., Mr. E. M. Konstam, C.B.E., K.C., Mr. A. T. James, K.C., Mr. Alfred Hildesley, K.C., Mr. J. F. Eales, K.C., Master Valentine Ball, O.B.E., Master Simner, Sir Roger Gregory, Mr. J. J. Withers, C.B.E., M.P., Sir Robert Dibdin, Mr. F. M. Guedalla, Mr. J. Wylie, C.B.E., Mr. Harry R. Lewis, Mr. R. P. Hills, Mr. W. G. Earengey, LL.D., Dr. Wm. Fairlie, Mr. C. J. A. Doughty, Mr. H. J. Hutchinson, Mr. W. Cleveland Stevens, Mr. Daniel Cohen, Mr. C. G. Vickers, V.C., Mr. W. F. Waite, Mr. Harry B. Piper, Mr. F. N. Marcy, Mr. Theobald Mathew, Mr. Wilfrid Lewis, Mr. Geoffrey K. Rose, Mr. George Bankes, Mr. G. D. Colclough, Mr. H. Bensley Wells, Mr. Ernest Hancock, Mr. Arthur Mulligan, Mr. Ernest E. Bird, Mr. W. D. Robinson, Mr. Wilfrid Price, Mr. J. Milland Tucker, Mr. G. Stanley Pott, Mr. Geoffrey C. Bosanquet, Mr. Graham Brooks and Mr. G. F. G. Oxley.

The chairman proposed the health of the United Law Clerks' Society, observing that it particularly recommended itself to the members of the profession, as it interested itself in the welfare of those between whom and themselves there existed a large degree of affection. It was impossible to over-estimate the degree to which the clerk identified himself with those whom it was his pleasure to serve, and they were well aware of the fact that those who served the members of the profession with such loyalty did identify themselves in no uncommon degree with their interests. There was no more loyal or unselfish body in the kingdom than those whom they had the honour to describe as their friends and whom they might describe as their partners. It might be that they contributed more to the making of their employers' fortunes than the employers did themselves. He was speaking as a member of the Bar, and therefore referred in particular to barristers' clerks, but there were others present, like Sir Roger Gregory, who could speak in terms of affection of those who served them. It was a matter of infinite concern to all of them that assistance should so be provided for the later years of those who had served them so long and faithfully. The society afforded that assistance. It was nearly 100 years old, and if one thought of the state of things ninety-eight years ago, when it was founded, one could not but admire the foresight and public spirit of those who were its originators. The society now possessed funds amounting to no less than £164,000. In the ninety-eight years of its existence it had distributed £263,000. Its income during the last year amounted to £14,000. It showed signs of a growth and extension which had surprised those who thought that the institution of a national scheme of insurance would have rendered the activities of the society no longer necessary. He congratulated it and the management with great heartiness. He was delighted to be informed that the new entrants to the voluntary section had shown an increase upon the last year, 1927, of more than 50 per cent. There are signs in the provinces of a recognition of the valuable aid the Society furnished to the law clerks of this kingdom. And he hoped that the festival might afford a renewed opportunity of advertising in the legal papers and elsewhere the great advantage it offered the law clerks of making provision for the future. He found that not only the widows of members but the widows of non-members had frequently to have resort to the society for assistance, and he had no doubt that one of the most gratifying functions the society had to perform was that of coming to the aid of those who have been dependent upon members of the society. Indeed, it might be said that amongst the benefits provided by the society there was none that was distributed with so much satisfaction, so much gratification and thankfulness, as those they were able to give to the widows who had lost the mainstay of their lives. He wished for the society increased publicity, increased prosperity, and an increase of numbers in the ranks for whom in the ninety-eight years of its existence it had done so much.

Mr. HARRY ELLIS STAPLEY (hon. treasurer) returned thanks. He expressed his gratification that during the past year the society had been able to add considerably to its funds and that its position was such that it was able to meet all its liabilities. The support which the society received from the legal profession was of very great assistance to it, and without such support it would not be able to carry on its activities to the extent it did and had done for many years. As had been the case since the commencement, it was able to rely upon that support, and this enabled the society to offer to law clerks benefits and advantages which no other society of the same character could offer to its members at anything like the same moderate cost of subscription.

Sir REGINALD MITCHELL BANKS, K.C., M.P., proposed the toast of "Our Guests and the Ladies."

Mr. F. K. ARCHER, K.C., responded.

Sir J. ROGER B. GREGORY submitted the toast of "the Chairman," who he observed was a trustee, together with Mr. May and himself. They were fortunate in having had for many years the sympathy of Sir Thomas Inskip, who never failed to do all that was possible for its benefit.

The CHAIRMAN, in responding, said that they had had the good fortune of seeing the funds of the society reach a high figure, and he hoped that many of those present might be spared to see them attain to a yet higher sum.

Subscriptions and donations were announced to the amount of £600.

Middle Temple.

GRAND DAY AT MIDDLE TEMPLE.

Tuesday, 30th ult., being Grand Day at the Middle Temple, the Master Treasurer (Sir Ellis Hume-Williams, K.C., M.P.) entertained the following guests at dinner: The Belgian Ambassador, the Marquess of Bath, Lord Hanworth (Master of the Rolls), Lieut.-Col. the Hon. George Monckton-Arundell, Sir W. Mitchell-Thomson, M.P. (Postmaster-General), Sir Leonard Brassey, M.P., Sir Chartres Biron, Sir H. Hughes-Stanton, R.A. (President of the Royal Society of Painters in Water-Colour), Mr. Ray Atherton (Chargé d'Affaires, U.S. Embassy), The Rev. the Master of the Temple, Canon A. C. Deane, Mr. Walter Tapper, A.R.A. (President of the Royal Institute of British Architects), Mr. R. D. Blumenfeld, and The Rev. the Reader.

The Masters of the Bench present were: Master Viscount Mersey, Master English Harrison, K.C., Master Sir Robert A. McCall, K.C., Master Lord Carson, Master Judge Ruegg, K.C., Master the Marquess of Reading, Master Aspinall, K.C., Master Lord Shaw of Dunfermline, Master Judge Sir Alfred Tobin, K.C., Master De Gruyther, K.C., Master Shortt, K.C., Master Holman Gregory, K.C., Master Micklethwait, K.C., Master Sir

Cecil J. B. Hurst, K.C., Master Hart, K.C., Master Lord Salvesen, Master The Hon. Frank B. Kellogg, Master The Hon. S. O. Henn-Collins, Master Dunne, K.C., Master Williamson, Master Artemus Jones, K.C., Master J. G. Hurst, K.C., Master Miller, K.C., Master Whiteley, K.C., Master Scholefield, K.C., Master Jowitt, K.C., and Master Henderson, K.C.

Law Students' Debating Society.

At a meeting of the society, held at The Law Society's Hall, on Tuesday, the 16th ult. (Chairman, Mr. W. M. Pleadwell), the subject for debate was: "That this House approves the Liberal unemployment scheme." Mr. H. J. Baxter opened in the affirmative, and Mr. D. Geddes in the negative. The following members also spoke: Messrs. Spurrell, Buckley, Tucker, Thesiger, Iwi, Pratt, Lincoln, Sturge, and North Lewis. The opener having replied, the motion on being put to the meeting, was lost by six votes. There were nineteen members and three visitors present.

Solicitors' Benevolent Association.

The monthly meeting of the directors of this association was held at The Law Society's Hall, Chancery-lane, on the 17th ult. Mr. D. F. Cunliffe in the chair. The other directors present being: Messrs. E. L. Cook, T. S. Curtis, O. J. Humbert, H. W. Michelmore (Exeter), H. A. H. Newington, Sir R. W. Poole, P. J. Skelton (Manchester), and M. A. Tweedie.

One thousand two hundred pounds was distributed in grants of relief; seven new members were elected and other general business transacted.

Rules and Orders.

THE WORKMEN'S COMPENSATION RULES (No. 1), 1929, DATED 18TH APRIL, 1929.

1. In these Rules "the principal Rules" mean the Workmen's Compensation Rules, 1926,(*a*) as amended:—

2. Rule 90 of the principal Rules shall be revoked, and the following Rule shall be substituted therefor:—

90.—(1) If the judge of a court in England or Wales is satisfied that a matter under the Act pending in that court can proceed more conveniently in any other such court or in a court in Scotland, he may order the matter to be transferred to such other court.

(2) Upon the making of the order, the registrar shall transmit by registered post to the registrar or sheriff-clerk of the court named in the order all original documents filed in the matter and a certified copy of all records made with reference to the matter, and shall transfer to the court named in the order any money invested in his name as registrar; and the provisions of Order VIII Rule 9 shall apply to the application for the transfer and to the transfer.

(3) When a matter has been transferred to a court in England or Wales, whether from another such court or from a court in Scotland, the matter shall proceed in the court to which it has been transferred as if it had originally been commenced therein.

3. In Rule 91 of the principal Rules paragraph (1) shall be revoked, and the following paragraph shall be substituted therefor:—

"(1) The provisions of Rule 90 shall apply to the transfer of money paid into court under the Act from one court in Great Britain to another, and to proceedings with respect to the application of the money."

4. After Rule 91 of the principal Rules, the following Rule shall be inserted and shall stand as Rule 91A:—

"91A.—(1) Where money has been paid into a court in England or Wales under the Act, the judge if satisfied that the money can be more conveniently dealt with by a county court in Northern Ireland may order the money to be transferred to that court.

(2) Where an order has been made under the last preceding paragraph, the registrar shall transmit by registered post to the Clerk of the Crown and Peace of the court in Northern Ireland all original documents filed in the matter and a certified copy of all records made with reference to the money transferred, and the provisions of paragraph (2) of Rule 91 shall apply.

(3) Where money paid into a court in Northern Ireland under any enactment for the time being in force in Northern Ireland relating to the compensation of workmen for injuries suffered in the course of their employment, has been ordered by that court to be transferred to a court in England or Wales, and the necessary documents have been transmitted, the money shall be received and dealt with in such manner as the judge of the court in England or Wales may think fit, subject to the directions (if any) contained in the order."

5. These Rules may be cited as the Workmen's Compensation Rules (No. 1), 1929, and the Workmen's Compensation Rules, 1926, as amended,(*b*) shall have effect as further amended by these Rules.

We hereby submit these Rules to the Lord Chancellor.

W. M. Cann. *T. Mordaunt Snagge.*
J. W. McCarthy. *Barnard Lailey.*
S. A. Hill Kelly.

I allow these Rules which shall come into force on the 1st day of May, 1929.

Dated the 18th day of April, 1929.

Hailsham, C.

(*a*) S.R. & O. 1926 (No. 448) p. 829.

(*b*) *See* S.R. & O. 1927 (Nos. 392 and 393) pp. 747-8.

THE SALE OF FOOD (REVOCATION) ORDER, 1929, DATED APRIL 18, 1929, MADE BY THE BOARD OF TRADE UNDER THE MINISTRY OF FOOD (CONTINUANCE) ACT, 1920 (10 and 11 GEO. 5, C. 47), THE MINISTRY OF FOOD (CESSATION) ORDER, 1921 (S.R. & O. 1921, No. 445), AND THE EXPIRING LAWS CONTINUANCE ACT, 1928 (19 GEO. 5, C. 3).

In exercise of the powers conferred upon them by the Ministry of Food (Continuance) Act, 1920, the Ministry of Food (Cessation) Order, 1921,(*a*) the Expiring Laws Continuance Act, 1928, and of all other powers enabling them in that behalf the Board of Trade hereby order as follows:—

1. Article 8 (relating to the sale of imported eggs) of the Sale of Food Order, 1921 (S.R. & O. 1921, No. 1305), made by the Board of Trade, is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

2. This Order may be cited as the Sale of Food (Revocation) Order, 1929, and shall come into operation on the 21st April, 1929.

Dated this 18th day of April, 1929.

H. P. Hamilton,
A Secretary to the Board of Trade.

(*a*) S. R. & O. 1921 (No. 445), p. 257.

THE COUNTY COURTS BANKRUPTCY AND COMPANIES JURISDICTION (BLETCHLEY AND LEIGHTON BUZZARD) ORDER, 1929. DATED 19TH APRIL, 1929.

Whereas by the County Court Districts (Bletchley and Leighton Buzzard) Order, 1929,(*a*) which comes into operation on the 1st day of May, 1929, the Lord Chancellor has ordered that the County Court of Bedfordshire held at Leighton Buzzard and the County Court of Buckinghamshire held at Newport Pagnell should be discontinued;

And whereas by the said Order the Lord Chancellor has ordered that a new district, the boundaries of which are defined in the Order, should be formed and that a Court should be held therein by the name of the County Court of Buckinghamshire held at Bletchley and Leighton Buzzard;

And whereas by virtue of the Bankruptcy Act, 1914,(*b*) and the Companies (Consolidation) Act, 1908,(*c*) the said Court held at Bletchley and Leighton Buzzard will have jurisdiction in bankruptcy and in proceedings under the Companies (Consolidation) Act, 1908, unless an Order is made excluding it from having that jurisdiction;

And whereas it is desirable that the said Court held at Bletchley and Leighton Buzzard should be excluded from having the said jurisdiction and for the purposes of that jurisdiction should be attached to the County Court of Northamptonshire held at Northampton;

Now therefore, I, Douglas McGarel Lord Hailsham, Lord High Chancellor of Great Britain, by virtue of section 96 of the Bankruptcy Act, 1914, section 131 of the Companies (Consolidation) Act, 1908, Rule 127 of the Bankruptcy Rules, 1915,(*d*) and of all other powers enabling me in this behalf, Do hereby order as follows:—

1. The County Court of Buckinghamshire held at Bletchley and Leighton Buzzard shall be excluded from having jurisdiction in bankruptcy and in proceedings under the Companies (Consolidation) Act, 1908, and for the purpose of that jurisdiction shall be attached to the County Court of Northamptonshire held at Northampton.

2. This Order may be cited as the County Courts Bankruptcy and Companies Jurisdiction (Bletchley and Leighton Buzzard) Order, 1929, and shall come into operation on the 1st day of May, 1929, and the County Courts (Bankruptcy and Companies Winding-Up) Jurisdiction Order, 1899, (*e*) as amended, shall have effect as further amended by this Order.

Dated the 19th day of April, 1929. *Hailsham*, C.

(*a*) S.R. & O. 1929, No. 258. (*b*) 4-5 G. 5, c. 59. (*c*) 8 E. 7, c. 69.
(*d*) S.R. & O. 1914 (No. 1824) I, p. 41. (*e*) S.R & O. Rev. 1904, III County Court, E., p. 78 (1899, No. 351).

In Parliament.

Progress of Bills.

House of Lords.

Bridges Bill. Commons Amendments agreed to. 7th May.

Finance Bill. Read a third time and passed. 8th May.

Age of Marriage Bill [H.L.]. Returned from the Commons agreed to. 7th May.

Preservation of Infant Life Bill]H.L.] Commons amendments agreed to. 8th May.

Police Magistrates' Superannuation Bill (Amendment) Bill. Read the third time and passed. 8th May.

Salmon and Freshwater Fisheries (Amendment) Bill. Read a second time and committed. 7th May.

Bastardy (Witness Process) Bill. Read the third time and passed. 8th May.

Fire Brigade Pensions Bill. Read the third time and passed. 8th May.

Reconstructed Cream Bill. Considered in Committee and amended. 7th May.

Agricultural Rates Bill. Read the third time with amendment and passed, and returned to the Commons. 7th May.

House of Commons.

Pharmacy Bill [H.L.]. Read the third time and passed without amendment. 7th May.

Questions to Ministers.

MENTAL DEFICIENCY (REPORT).

Mr. R. MORRISON asked the Minister of Health whether he has now decided to publish the adult section of the Mental Deficiency Report; and when it will be available?

The Parliamentary Secretary to the Ministry of Health (Sir KINGSLEY WOOD): I would refer the hon. Member to my right hon. Friend's statement in debate on the 1st May, in which he said that the report in question is having his personal consideration, and that he hopes to be able to make a decision in regard to its publication before very long. 6th May.

MOTOR PASSENGER VEHICLES (REGULATIONS).

Colonel WOODCOCK asked the Minister of Transport whether he is considering making regulations for the security and welfare of the public in connexion with motor-coaches and chars-a-banc and their protection against fire?

Colonel ASHLEY: Until an opportunity presents itself for introducing fresh legislation, my powers to make comprehensive regulations in respect of public service vehicles are limited. In August, 1927, I issued a circular to licensing authorities setting out the constructional requirements for motor omnibuses and motor coaches recommended by the Departmental Committee which had considered the subject. These recommendations have been generally observed by manufacturers in the construction of new vehicles, and have been imposed by many licensing authorities as conditions precedent to the issue of licences to ply for hire. I am considering whether some further recommendations can be made with a view to lessening the risk of fire. 6th May.

UNITED STATES CITIZENSHIP (BRITISH INDIANS).

Mr. DAY asked the Secretary of State for Foreign Affairs whether his Department has made any representations to the American Government having as its object legislation in America for the purpose of giving Indians the right to hold land already in their possession in America, in view of the recent decision in the courts of the United States of America depriving Indians of American citizenship?

The Under-Secretary of State for Foreign Affairs (Mr. GODFREY LOCKER-LAMPSON): While His Majesty's Government have accorded the most careful consideration to the position of British Indians affected by the United States Supreme Court decision of 1923, which laid down that they were ineligible for United States citizenship and that in these circumstances those that had acquired naturalisation had done so *ultra vires*, there are no grounds, treaty or otherwise, upon which such representations could usefully be made. Action was, however, taken in 1923 with a view to giving Indian landowners affected by the decision time to dispose of their property. 8th May.

Legal Notes and News.

Honours and Appointments.

The Lord Chancellor has appointed Mr. A. R. KENNEDY, B.A., K.C., M.P., to be the Judge of the County Courts on Circuit No. 49 (Kent) vice His Honour Henry Terrell, K.C., retired. Mr. Kennedy (who is the eldest surviving son of the late Right Hon. Lord Justice Kennedy), was called to the Bar by Lincoln's Inn, in 1903, took silk in 1919, was made a Bencher of his Inn in 1922, and appointed Recorder of Burnley in 1925.

Mr. H. A. DEMAINE, solicitor, a member of the firm of Banks, Newel & Demaine, solicitors, Bradford and Pudsey, has been appointed Town Clerk of Pudsey and Clerk to the Borough Justices. Mr. Demaine was admitted in 1900.

The King has been pleased to give directions for the appointment of Mr. STANLEY OBEYESKERE (Solicitor-General), to be one of his Majesty's Counsel for the Island of Ceylon.

Mr. CHARLES EVANS HUGHES, junior, son of the former Secretary of State, has been appointed United States Solicitor-General by President Hoover.

Mr. CHARLES DOUGHTY, K.C., took his seat for the first time as Recorder at the Canterbury Quarter Sessions on Monday, and was officially welcomed by the Mayor of Canterbury, Captain Vansittart Howard, R.N., and by Mr. Archibald Safford, on behalf of members of the Bar.

Mr. J. H. LUXFORD, the stipendiary magistrate at Whangarei New Zealand, has been appointed Chief Justice of Samoa.

Professional Announcements.

(2s. per line.)

Messrs. D. Edgar Rodwell & Co., solicitors and commissioners for oaths, formerly of 19 Sackville-street, W.1, have now moved into new offices, at 4 Half Moon-street, W.1. The telephone No. is Grosvenor 1120–1.

SUMMER ASSIZES.

The following dates and places fixed for holding the Summer Assizes are announced in the *London Gazette*:—

WESTERN CIRCUIT (Mr. Justice Roche and Mr. Justice Hawke).—22nd May, at Salisbury; 27th May, Dorchester; 31st May, Wells; 5th June, Bodmin; 11th June, Exeter; 18th June, Bristol; 25th June, Winchester.

SOUTH-EASTERN CIRCUIT (Mr. Justice Horridge and Mr. Justice Humphreys).—21st May, Huntingdon; 23rd May, Cambridge; 29th May, Bury St. Edmunds; 4th June, Norwich; 12th June, Chelmsford; 18th June, Hertford; 22nd June, Maidstone; 29th June, Guildford; 6th July, Lewes.

NORTH WALES AND CHESTER CIRCUIT (Mr. Justice Rowlatt and Mr. Justice Wright).—24th May, Newtown; 28th May, Dolgelley; 1st June, Carnarvon; 6th June, Beaumaris; 8th June, Ruthin; 13th June, Mold; 15th June, Chester.

NORTH-EASTERN CIRCUIT (Mr. Justice MacKinnon and Mr. Justice Finlay).—20th June, Durham; 27th June, Newcastle; 4th July, York; 10th July, Leeds.

NORTHERN CIRCUIT (Mr. Justice Charles and Mr. Justice Macnaghten).—1st June, Appleby; 4th June, Carlisle; 8th June, Lancaster; 12th June, Liverpool; 1st July, Manchester.

SOUTH WALES CIRCUIT (Mr. Justice Rowlatt and Mr. Justice Wright).—23rd May, Haverfordwest; 28th May, Lampeter; 1st June, Carmarthen; 8th June, Brecon; 12th June, Presteign.

OXFORD CIRCUIT (Mr. Justice Shearman and Mr. Justice Talbot).—25th May, Reading; 31st May, Oxford; 4th June, Worcester; 8th June, Gloucester; 14th June, Monmouth; 22nd June, Hereford; 27th June, Shrewsbury; 4th July, Stafford.

MIDLAND CIRCUIT (Mr. Justice McCardie, Mr. Justice Branson and Mr. Justice Talbot).—21st May, Aylesbury; 25th May, Bedford; 30th May, Northampton; 4th June, Leicester; 11th June, Oakham; 12th June, Lincoln; 10th June, Derby; 27th June, Nottingham; 4th July, Warwick; 10th July, Birmingham.

PENSION FOR LORD SHAW.

It is announced in the *London Gazette* that the King has granted to Lord Shaw of Dunfermline, late one of the Lords of Appeal in Ordinary, an annuity of £3,750 for life.

THE AGE OF MARRIAGE BILL.

The following notice was issued from the Home Office on Tuesday night:—

The Secretary of State for the Home Department desires to draw public attention to the provisions of the Age of Marriage Bill, which has passed both Houses of Parliament, and which is likely to receive Royal Assent at an early date. From that date a marriage between persons either of whom is under the age of sixteen will be void, but any marriage solemnised or contracted before that date will not be affected.

SELECT COMMITTEE DISCHARGED.

Following the death of Viscount Younger (the President), the Select Committee of the House of Lords, which had been considering the Grampian Electric Power Bill was discharged on Wednesday. The whole of the proceedings are thus rendered void, and will have to be undertaken afresh, probably in September. We understand that an agreement to submit the Bill to the consideration of a Joint Committee of both Houses in the autumn, to save time and cost, may be reached.

LANDLORD'S OUTRAGEOUS ACTION.

Damages were given against a property owner at Bromley (Kent) County Court recently. Three tenants had withheld their rent, and consequently Edward Bidewell, the landlord, went to the cottages, pulled down the front doors and took out the windows. At two of the cottages he stuffed sacking up the chimneys where fires were burning and smoked out the occupants. The defendant's only excuse was that the tenants did not take care of his cottages and refused to pay the rent. Judge Spencer Hogg told the defendant that he had acted not only illegally but outrageously, and he awarded £25 damages and costs in each case.

IMPORTANT MIGRATION RULING.

The Supreme Court (Washington) has ruled that naturalised Canadians (native-born Canadians are not affected) and other "immigrants" are prohibited from crossing the border to work or search for employment without presenting consular immigration visas.

It is held that the Jay Treaty of 1794, whereby the two countries accorded each other mutual privileges in the matter of trans-border communications, is not applicable to this case. Native-born Canadians will be entitled as before, and also Mexicans, to cross the border freely upon presentation of an identification card.

SLUM CLEARANCE AND RENT RESTRICTIONS.

Statements have appeared in the Press purporting to give an account of an address by the Minister of Health on the questions of slum clearance and rent restrictions. It was stated on the 3rd inst. by the Ministry of Health that all these statements are incorrect and unauthorised.

The Government have repeatedly stated that while they are anxious that normal conditions should be restored, they will not bring the Rent Restriction Acts to an end until they are satisfied that this can be done without imposing any undue hardship on tenants.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

	Emergency Rota.	Appeal Court No. 1.	Mr. Justice Eve.	Mr. Justice Romer.
Monday, May 13	Mr. Ritchie	Mr. Hicks Beach	Mr. Blaker	Mr. Jolly
Tuesday .. 14	Bloxam	Blaker	*Jolly	Ritchie
Wednesday 15	Jolly	More	*Ritchie	Blaker
Thursday .. 16	Hicks Beach	Ritchie	*Blaker	Jolly
Friday 17	Blaker	Bloxam	Jolly	Ritchie
	Mr. Justice Maugham.	Mr. Justice Astbury.	Mr. Justice Clauson.	Mr. Justice Luxmoore.
Monday, May 13	Mr. *Ritchie	Mr. Bloxam	Mr. Hicks Beach	Mr. More
Tuesday .. 14	Blaker	*More	*Bloxam	Hicks Beach
Wednesday 15	*Jolly	*Hicks Beach	More	Bloxam
Thursday .. 16	Ritchie	*Bloxam	*Hicks Beach	More
Friday 17	*Blaker	*More	Bloxam	Hicks Beach

* The Registrar will be in Chambers on these days, and also on the days when the Courts are not sitting.

The Whitsun Vacation will commence on Saturday, the 18th day of May, 1929, and terminate on Tuesday, the 21st day of May, 1929, inclusive.

VALUATIONS FOR INSURANCE.—It is very essential that all Policy Holders should have a detailed valuation of their effects. Property is generally very inadequately insured, and in case of loss insurers suffer accordingly. **DEBENHAM STORR & SONS (LIMITED)**, 26, King Street, Covent Garden, W.C.2, the well-known chattel valuers and auctioneers (established over 100 years), have a staff of expert valuers, and will be glad to advise those desiring valuations for any purpose. Jewels, plate, furs, furniture, works of art, bric-a-brac a speciality.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (7th February, 1929) 5½%. Next London Stock Exchange Settlement Thursday, 30th May, 1929.

	Middle Price 8th May	Interest Yield.	Yield with Redemption.
English Government Securities.		£ s. d.	£ s. d.
Consols 4% 1957 or after	86¾	4 12 6	—
Consols 2½%	54⅞	4 11 0	—
War Loan 5% 1929-47	100⅞	4 19 0	—
War Loan 4½% 1925-45	96½	4 13 0	4 13 6
War Loan 4% (Tax free) 1929-42	100	4 0 0	4 0 0
Funding 4% Loan 1960-1990	88¼	4 11 0	4 12 0
Victory 4% Bonds (available for Estate Duty at par) Average life 35 years	93	4 6 0	4 7 6
Conversion 4½% Loan 1940-44	98½	4 11 6	4 14 6
Conversion 3½% Loan 1961	77¼	4 10 6	—
Local Loans 3% Stock 1921 or after	64	4 13 6	—
Bank Stock	252	4 13 6	—
India 4½% 1950-55	89	5 1 0	5 3 0
India 3½%	68	5 3 0	—
India 3%	58	5 3 0	—
Sudan 4½% 1939-73	94	4 15 6	4 16 6
Sudan 4% 1974	85	4 14 0	4 14 0
Transvaal Government 3% 1923-53 (Guaranteed by British Government, Estimated life 15 years)	81	3 14 0	4 12 6
Colonial Securities.			
Canada 3% 1938	86	3 9 6	4 17 6
Cape of Good Hope 4% 1916-36	93	4 6 0	5 7 0
Cape of Good Hope 3½% 1929-49	81	4 6 6	5 0 0
Commonwealth of Australia 5% 1945-75	99	5 2 0	5 2 0
Gold Coast 4½% 1956	97	4 12 6	4 16 6
Jamaica 4½% 1941-71	94	4 15 6	4 16 0
Natal 4% 1937	92	4 7 0	5 7 0
New South Wales 4½% 1935-45	91	4 19 0	5 8 0
New South Wales 5% 1945-65	97xd	5 3 0	5 3 0
New Zealand 4½% 1945	95	4 15 0	4 17 6
New Zealand 5% 1946	103	4 17 0	4 16 0
Queensland 5% 1940-60	97	5 3 0	5 5 0
South Africa 5% 1945-75	103	4 17 0	4 16 0
South Australia 5% 1945-75	99	5 1 0	5 2 0
Tasmania 5% 1945-75	99	5 1 0	5 2 0
Victoria 5% 1945-75	99	5 1 0	5 2 0
West Australia 5% 1945-75	99	5 1 0	5 2 0
Corporation Stocks.			
Birmingham 3% on or after 1947 or at option of Corporation	64	4 13 6	—
Birmingham 5% 1946-56	102	4 18 0	4 17 0
Cardiff 5% 1945-65	101	4 19 0	4 19 0
Croydon 3% 1940-60	70	4 5 6	4 19 0
Hull 3½% 1925-55	78	4 9 9	4 19 0
Liverpool 3½% Redeemable at option of Corporation	74	4 14 6	—
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	53xd	4 14 0	—
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	63xd	4 15 0	—
Manchester 3% on or after 1941	63	4 15 0	—
Metropolitan Water Board 3% 'A' 1963-2003	63	4 15 0	—
Metropolitan Water Board 3% 'B' 1934-2003	64	4 13 6	—
Middlesex C. C. 3½% 1927-47	83	4 4 6	4 17 0
Newcastle 3½% Irredeemable	74	4 15 0	—
Nottingham 3% Irredeemable	62	4 16 0	—
Stockton 5% 1946-66	102	4 18 0	4 18 0
Wolverhampton 5% 1945-56	101	4 19 0	4 17 0
English Railway Prior Charges.			
Gt. Western Rly. 4% Debenture	81	4 18 6	—
Gt. Western Rly. 5% Rent Charge	98	5 1 6	—
Gt. Western Rly. 5% Preference	92	5 9 0	—
L. & N. E. Rly. 4% Debenture	76	5 5 0	—
L. & N. E. Rly. 4% 1st Guaranteed	71½	5 12 0	—
L. & N. E. Rly 4% 1st Preference	66	6 0 0	—
L. Mid. & Scot. Rly. 4% Debenture	79	5 1 0	—
L. Mid. & Scot. Rly. 4% Guaranteed	76	5 5 0	—
L. Mid. & Scot Rly. 4% Preference	68½	5 16 6	—
Southern Railway 4% Debenture	80	5 0 0	—
Southern Railway 5% Guaranteed	97	5 3 0	—
Southern Railway 5% Preference	88	5 13 6	—

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YOUNG Solicitor, admitted 1925, thoroughly experienced in general practice in London, particularly conveyancing, some knowledge Company and commercial matters, is open to engagement with established firm in London or the Provinces. References from two well-known London firms.—Box 40, Solicitors' Journal, 29, Breams-buildings, E.C.4.

GENTLEMAN, accustomed to committee work and shorthand, with experience in reference work under the Rating and Valuation Act, will be free shortly; good worker; reasonable salary if some prospects.—Apply, in first instance, "R.," Box 55, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

PRACTISING Solicitor would consider appointment as assistant where proper facilities would be given for the conduct of his own practice on terms. Experience mostly conveyancing and High Court litigation, some advocacy. London only.—Write "M.," Box 353, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (35), Cambridge graduate, desires Managing Clerkship. Good general experience.—Apply "Alpha," Box 320, Solicitors' Journal, 29, Breams-buildings, E.C.4.

ADMITTED Managing Clerk, general practice large city seven years, two years sole charge, desires engagement owing to amalgamation. Specialities: litigation, advocacy. Athletic, bachelor, and insatiable worker. —"M.P.," Box 459, c/o Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (37), now in practice on own account, small connection, desires managing clerkship in London, with liberty to practise. Salary by arrangement.—"J.," Box 448, Solicitors' Journal, 29 Breams-buildings, E.C.4.

YOUNG Solicitor undertakes drafting accounts, looking up points, etc., for busy solicitors in return for small charge.—"E.," Box 275, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (2nd Class Honours), with over 30 years' continuous experience in conveyancing, trust and probate work, willing to assist Solicitors by post.—"S," Box 312, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR (University man), desires engagement. London or Home or Southern Counties. Experienced common law, conveyancing, trusts.—Box 116, Solicitors' Journal, 29, Breams-buildings, E.C.4.

YOUNG solicitor recently admitted, desires London appointment. Good general experience, especially conveyancing.—Box 52, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR'S Managing Clerk, unadmitted, wide experience litigation, conveyancing, common law; pleads fresh start any capacity, moderate salary; can furnish guarantee.—Lex, c/o W. W. Jemmett, F.I.S.A., Secretary, Central D.P.A. Society, Victory House, Leicester-square, W.C.2.

SOLICITOR desires post as Assistant Solicitor. Experienced in conveyancing, probate and trust matters; also in High Court, County Court and magisterial work.—Box 6, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR, experienced in Conveyancing, is open to assist solicitors by post.—Box B. 331, Solicitors' Journal, 29, Breams-buildings, E.C.4.

EX-OFFICERS AND OTHER RANKS.

THE Proprietors of The Solicitors' Journal have placed this space at the disposal of THE BRITISH LEGION OFFICERS' ASSOCIATION, EMPLOYMENT BUREAU, 3-4, Clement's Inn, Strand, London, W.C.2 (Telephone: Holborn 5769), to whom all replies should be addressed, quoting number of advertisement, date of insertion, and the name of this paper.

EX-OFFICER wishes managerial position; keen business man, accounts, correspondence, despatch, etc., age 40. 10436.

MECHANICAL and Electrical Engineer, ex-officer, with large connection in London amongst leading Consulting Engineers, Architects, Surveyors, etc., seeks position as outside representative with well-established firm. 1380.

BOOKKEEPER and Clerk. Educated Gentleman, 15 years' sound experience, capable taking charge. Also correspondence and general office duties. Accept anything anywhere. Good references. 10272.

EX R.A.F. OFFICER (Retired) seeks situation. Good experience in the running and handling of high speed motor boats. Good references. 10590.

GENTLEMAN (50), good health, would help with house duties, light gardening, correspondence. Salary and live in, with, if possible, board residence for elderly mother on moderate terms. Sussex or Surrey. 1217.

EX-RANKER Officer, R.A.S.C. (Old Contemptible), requires employment as Clerk, storekeeper, steward, caretaker, or any other suitable capacity. Married, two children, excellent record and testimonials. 10592.

ARTICLED CLERKS, &c.

ARTS GRADUATE (25), three years' business experience, knowledge intermediate law, requires articles, preferably Manchester, Liverpool or London.—Kirton, "Eamont," Spencer-road, Wigan.

CITY Solicitor, with old-established practice, conveyancing and general, has vacancy for public school boy of ability; good experience can be obtained under personal supervision of principal; moderate premium required for a willing worker; references given and required.—Box 111, Solicitors' Journal, 29, Breams-buildings, E.C.4.

LAW.—Solicitor's office with growing practice has a vacancy for Articled Clerk. General practice. Personal supervision and coaching. Premium required, part returned. Apply, Box 108, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR, general practice and clerk to local authority in growing South Coast town, has vacancy for articled clerk. Public school man preferred. Good prospects for suitable man used to country life.—Box No. 87, Solicitors' Journal, 29, Breams-bldgs., E.C.

PRACTICES AND PARTNERSHIPS.

SOLICITOR, aged 25 (Public School education), experienced, desires a junior partnership (with or without preliminary clerkship) with an old-established firm in the Midlands or South of England having a sound conveyancing and general practice; willing to invest capital. Write, Box 118, Solicitors' Journal, 29 Breams'-buildings, E.C.4.

SOLICITOR, 39, Public School man, admitted 1912, holding important position in Australia as solicitor to large Government Institution, at present in England, desires to purchase practice or partnership or to obtain position with a view to same. General experience in practically all branches of law. Thoroughly conscientious and accustomed to responsibility, excellent letters of recommendation. Interview sought.—Box No. 105, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR desires to purchase old-established general and conveyancing practice in or near London showing substantial profits; or early succession.—Box 99, Solicitors' Journal, 29, Breams-buildings, E.C.4.

MR. NOAH A. RIGBY, Solicitor and Commissioner for oaths, St. Helens, Lancashire, is desirous of purchasing the succession to or a partnership in a substantial country practice and will be pleased to hear from any solicitor or firms of solicitors of good standing who are open to negotiation; capital available; excellent credentials; highest references given and required.

PARTNER, with moderate capital, wanted, aged 30-40 (preferably public school man), in old-established conveyancing and general solicitors' practice in S.E. London and City, owing to impending partial retirement of present senior partner.—Box 86, Solicitors' Journal, 29, Breams-buildings, E.C.4.

SOLICITOR desires to acquire half-share in old-established conveyancing and general practice with early succession.—Box 100, Solicitors' Journal, 29, Breams-buildings, E.C.4.

ENERGETIC solicitor, good advocate, requires sound litigious, conveyancing and general practice, in Kent.—Reply "B.," Box 525, Solicitors' Journal, 29, Breams-buildings, E.C.4.

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